

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Tracy Worthy, )  
Plaintiff, ) C/A No. 1:15-3555-MBS  
vs. )  
Carolyn W. Colvin, Acting Commissioner )  
of Social Security Administration )  
Defendant. )  
\_\_\_\_\_  
)

**O R D E R**

Plaintiff Tracy Worthy Turner filed the within action on September 4, 2015, seeking judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's application for disability insurance benefits. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. On May 6, 2016, the Magistrate Judge issued a Report and Recommendation in which she determined that substantial evidence did not support (1) the decision of the Administrative Law Judge (ALJ) to discount the opinion statements of Dr. Zeager, Plaintiff's treating physician; (2) the decision of the ALJ to accord no weight to the opinions of Plaintiff's Physician's Assistant, Joseph Friddle; and (3) the decision of the ALJ to give great weight to the opinions of the state agency consultants. The Magistrate Judge further determined that the ALJ erred in relying on the vocational expert's testimony to find that Plaintiff is capable of performing a significant number of jobs in the economy. Accordingly, the Magistrate Judge recommended the matter be reversed and remanded for further administrative proceedings. Plaintiff filed no objections to the Report and Recommendation. On May 20, 2016, the Commissioner filed a Notice of Not Filing Objections to the Report and Recommendation of the Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons set forth herein and in the Report and Recommendation, the decision of the Commissioner to deny benefits is **reversed** and the action **remanded** under sentence four of 42 U.S.C. § 405(g) for further administrative action.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
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Senior United States District Judge

Columbia, South Carolina

May 26, 2016